

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MELANIE THORNTON

v.

MARYLAND TRANSIT ADMINISTRATION :

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CIVIL NO. CCB-07-1454

MEMORANDUM

I have considered the defendant MTA's motion to dismiss, which has not been opposed by the plaintiff Melanie Thornton. The motion will be granted for the following reasons.

As to Count Four, Thornton has no private right of action for violation of an executive order. Nor does she have a claim for wrongful discharge under Maryland law as alleged in Count Three, *see Makovi v. Sherwin-Williams Co.*, 316 Md. 603 (1989). Count Two is barred by Thornton's failure to exhaust her remedies with the Maryland Commission on Human Relations, *see Maryland Comm'n on Human Relations v. Mass Transit Admin.*, 294 Md. 225, 230-31 (1982).

Count One seeks relief under the ADA, 41 U.S.C. § 12101, and 42 U.S.C. § 1981. Section 1981 applies to racial discrimination, not disability. Further, a state agency such as the Maryland Transit Administration is not subject to suit for monetary damages under the ADA. *Board of Trustees of the University of Alabama v. Garrett*, 531 U.S. 356 (2001).

A separate Order follows.

July 6, 2007

Date

/s/

Catherine C. Blake
United States District Judge